

PROB. 12B  
(7/93)

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United States District Court

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 25 2005

for the  
05 JAN 25 P1:48

DISTRICT OF HAWAII

at 10 o'clock and 45 min. A.M.  
WALTER A. Y. H. CHINN, CLERK

U.S. PROBATION OFFICE  
**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: SHANE RODRIGUES

Case Number: CR 00-00471SOM-01

Name of Sentencing Judicial Officer: The Honorable Susan Oki Mollway  
U.S. District Judge

Date of Original Sentence: 8/10/2001

Original Offense: Counts 1 and 2: Bank Robbery, in violation of 18 U.S.C. § 2113(a),  
a Class C felony

Original Sentence: Thirty-seven (37) months imprisonment as to each of Counts 1 and 2, to run concurrently with each other, to be followed by three (3) years of supervised release as to each of Counts 1 and 2, all terms to run concurrently with each other. The following special conditions were imposed: 1) The defendant shall participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office; 2) The defendant is prohibited from possessing any illegal or dangerous weapons; 3) The defendant shall provide the Probation Office access to any requested financial information; 4) The defendant is prohibited from incurring credit charges and lines of credit without the approval of the Probation Office; 5) The defendant shall participate in a mental health program at the discretion and direction of the Probation Office; and 6) Restitution of \$5,296.00 is due immediately to Bank of Hawaii, P.O. Box 2900, Honolulu, Hawaii 96846, Attention: Gordon Lee; and \$2,964.00 is due immediately to First Hawaiian Bank, Security Department, P.O. Box 1959, Honolulu, Hawaii 96805-1959. Any remaining balance upon release from confinement is to be paid during the period of supervision on an installment basis according to the collection policy of the Probation Office but at a rate of not less than 10 percent of the defendant's monthly gross income.

Type of Supervision: Supervised Release    Date Supervision Commenced: 5/21/2004

**Exhibit A**

**PETITIONING THE COURT**

[X] To modify the conditions of supervision as follows:

7. *That the defendant perform 24 hours of community service as directed by the Probation Office.*

**CAUSE**

The Court was previously notified on 10/18/2004 of the subject's refusal to comply with drug testing on 8/20/2004, 9/27/2004, and 10/11/2004. In response to his noncompliance, the subject was served with a letter of reprimand and informed that he would be extended in his current level of drug testing at Drug Addiction Services of Hawaii Inc. (DASH) by three (3) months. No further action was recommended and Your Honor concurred.

This report serves to notify the Court of the following additional violation of supervision:

ViolationNature of Noncompliance

Special Condition No. 4

The subject incurred a line of credit with the Honolulu Federal Employees Credit Union in November 2004, without the approval of the Probation Office.

As evidenced by his signature on 5/26/2004, the subject was notified in writing by our office of the standard and special conditions of supervision. Special Condition No. 4 states that the subject is prohibited from incurring credit charges and lines of credit without the approval of the Probation Office. On 1/4/2005, this officer conducted a routine credit bureau check as part of the case review process. The credit report indicated that the subject secured a \$15,363 automobile loan in November 2004, from the Honolulu Federal Employees Credit Union. The subject did not have the approval of the Probation Office to secure this loan.

The subject later admitted that he purchased a 2003 Volkswagen Golf in order to have a vehicle for work purposes. He stated that he forgot that he needed our office's permission prior to obtaining a line of credit. The subject was verbally reprimanded and informed that the loan he secured could have paid off his restitution in full and still enabled him to purchase a cheaper vehicle.

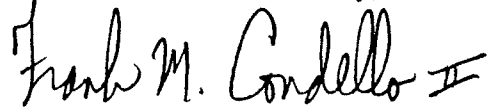
To his credit, the subject has remained full-time employed since the beginning of supervision. The subject's monthly restitution payments are made through a voluntary payroll deduction agreement with his employer. The subject begins new employment later this month through the Operating Engineers Union and his income is expected to increase substantially, allowing for larger monthly restitution payments. The subject's current restitution balance is \$6,742.20.

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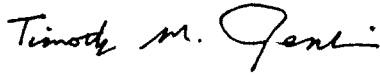
In an effort to sanction the subject and impress upon him the importance of complying with all the conditions of supervised release, it is respectfully recommended that the Court modify his conditions of supervision to require him to perform twenty-four (24) hours of community service. As noted by his signature on the attached Waiver of Hearing form (Probation Form 49), the subject maintains no objections to this modification. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed sanction and have no objections.

Respectfully submitted by,



FRANK M. CONDELLO, II  
U.S. Probation Officer

Approved by:



TIMOTHY M. JENKINS  
Supervising U.S. Probation Officer

Date: 1/21/2005

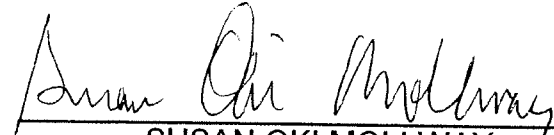
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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above  
☐ Other

  
\_\_\_\_\_  
SUSAN OKI MOLLWAY  
U.S. District Judge

JAN 21 2005

Date

# United States District Court

District of Hawaii

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

[ X ] To modify the conditions of supervision as follows:

7. That the defendant perform 24 hours of community service as directed by the Probation Office.

Witness:

Frank M. Condello II  
FRANK M. CONDELLO, II  
U.S. Probation Officer

Signed:

x Shane R. Rodriguez  
SHANE RODRIGUES  
Supervised Releasee

1/7/05

Date